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File No. JB01603K3 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Altmann et al.

Serial No.: 10/736,769

Group Art Unit: 1632

Filed: Dec. 16, 2003

Examiner: Peter Paras, Jr.

For: NPC1L1 (NPC3) AND METHODS OF USE THEREOF

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This statement is made in compliance with 37 C.F.R. §1.56, 1.97 and 1.98. The Examiner's attention is directed to the documents listed on the accompanying form PTO-1449 and the enclosed copy of each listed document. Consideration of each cited document, and the return of an initialed, duplicate copy of the enclosed form PTO/SB/08 to indicate such consideration, are respectfully requested.

These documents may be relevant to examination of the application. Inclusion of a document is **not** an admission that the document is prior art with respect to the invention of the application and is **not** to be construed as an admission that anything in the document renders any claim of the application unpatentable.


No office action on the merits of the Application has yet been received; accordingly, Applicants believe that no fee is required. If, however, any fees are due, the Office may charge such fees to Deposit Account No. 19-0365.

The following are pending U.S. applications that are related to the instant application:

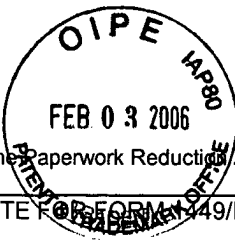
| <u>Application no.</u> | <u>Filing date</u> |
|------------------------|--------------------|
| 10/663,208 | Sept. 16, 2003 |
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| 10/621,758 | Jul. 17, 2003 |

Respectfully submitted,

Date: 2/3/2006


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| SUBSTITUTE FORM 149/PTO | | | | | ATTY. DOCKET NO.: JB01603K3 US | | SERIAL NO.: 10/736,769 | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE AS MANY SHEETS AS NECESSARY) | | | | | | | | APPLICANT: <i>Altmann et al.</i> | |
| | | | | | | | | FILING DATE: December 16, 2003 | |
| FOREIGN PATENT DOCUMENTS | | | | | | | | | |
| *EXAMINER INITIAL | CITE NO. ¹ | DOCUMENT NUMBER | PUB. DATE. | NAME OF PATENTEE OR APPLICANT | | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | | | |
| | | US 2004/0093629 | 05/13/04 | Altmann <i>et al.</i> | | | | | |
| | | US 2004/0137467 | 07/15/04 | Altmann <i>et al.</i> | | | | | |
| | | US 2004/0132058 | 07/08/04 | Altmann <i>et al.</i> | | | | | |
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|---|-----------------------|---|----------------|
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | |
| Examiner initials* | Cite no. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | | International Search Report for International Application NO. PCT/US03/22467 | |
| | | MGI web page "gene detail" of the NPC1L1 gene | |
| | | Altmann et al., "Niemann-Pick C1 Like 1 protein is critical for intestinal cholesterol absorption." Science. 2004 Feb 20;303(5661):1201-4. | |
| | | Davies et al., Inactivation of NPC1L1 causes multiple lipid transport defects and protects against diet-induced hypercholesterolemia. J. Biol. Chem. 2005 Apr 1;280(13):12710-20 | |
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